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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,140	05/24/2000	Dion Horvat	991323	4685

7590 08/27/2003

SHAW PITTMAN LLP
1650 Tysons Boulevard
McLean, VA 22102

EXAMINER

WAHBA, ANDREW W

ART UNIT	PAPER NUMBER
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2661

8

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/578,140

Applicant(s)

HORVAT ET AL.

Examiner

Andrew W Wahba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claim 7, the terms "fraction" and "multiple" render the claim indefinite (claim 7, lines 4-5). The frame duration for data transmission can be either a fraction or a multiple of the interferences burst period.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by West. With respect to claim 1, West makes known a method of TDMA communication in the presence of periodic interference. During data transmission, West detects bursts of interference and proceeds to transmit data so as to avoid the interference by reassigning time-slots (column 61, lines 15-42).

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West employs two time-slots for communication in the presences of interference bursts. While communicating in one transmission time, communication resumes in a second transmission time after the interference ends (column 62, lines 14-18).

5. Regarding claim 2, West discloses a method of TDMA communication in the presence of periodic interference. West detects periodic interference and proceeds to transmit data so as to avoid the interference by reassigning time-slots (column 61, lines 15-42). West utilizes two time-slots for communication in the presences of interference bursts. While communicating in one transmission time, communication resumes in a second transmission time after the interference abates (column 62, lines 14-18). When West recognizes that the interference is periodic, data is transmitted only at times when the interference is not expected to be present (column 61, lines 15-42).

6. With respect to claim 3, West presents the use of error rate monitoring to determine whether or not periodic interference is present. Signal strength and packet error rates are monitored to determine whether or not interference is present. In the event that interference is present, the device further determines whether or not the interference is periodic or simply sporadic. To determine if the interference is periodic, West compares the timing of the increased signal strength and error rates with that of a sync circuit connected to the AC power source. If the errors coincide with the sync waveform, the interference is thought to be periodic (column 62, lines 23-47).

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7. Regarding claim 4, West discloses a method to ascertain whether or not the interference is periodic comparing the timing of the interference with that of the AC power source. To determine whether or not the interference is periodic, West compares the timing of the increased signal strength and error rates with that of a sync circuit connected to the AC power source. If the errors coincide with the sync waveform, the interference is thought to be periodic (Figure 45, column 61, lines 23-33, column 62, 23-47).

8. Regarding claim 5, West employs two thresholds to monitor interference and determine whether or not periodic interference is present. First, the signal strength is compared to a threshold. In the event that the signal strength is higher than expected, the data packet error rate is compared to a threshold. In the event that both the received signal strength and data packet error rate exceed their respective thresholds, West proceeds to determine whether or not the interference is periodic (Figure 51. and column 62, lines 22-35).

9. With respect to claim 6, West presents a computer controller that interfaces with the transceiver in either the mobile unit or the base station. Among the tasks that the computer controller performs at either the base station or the mobile unit is the assignment of time slots to avoid communications of data packets during interference (column 61, lines 23-42).

10. With regard to claim 7, West presents a method of TDMA communication in the presence of periodic interference. During data transmission, West detects bursts of interference and proceeds to transmit data so as to avoid the interference by reassigning time-slots (column 61, lines 15-42). After a burst of

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interference occurs, West determines whether or not the interference is periodic.

In the event that the interference is periodic, time slots are assigned for communication such that they do not coincide with the expected interference bursts (column 61, lines 23-33, column 62, 23-47).

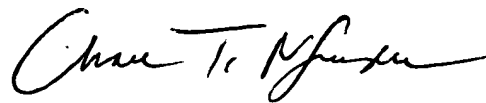
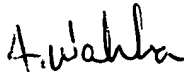
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wahba whose telephone number is (703) 305-4684. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Andrew Wahba

August 20, 2003



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
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